

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

January 28, 2014

Elisabeth A. Shumaker  
Clerk of Court

TANIELA FAKALOLO KIVALU,

Plaintiff - Appellant,

v.

LILE LAVAKI; PENISIMANI LAVAKI;  
PETER S. ULUAVE; LOAN MAX, of  
Orem, UT; DEPARTMENT OF MOTOR  
VEHICLES PROVO UT; DEPARTMENT  
OF MOTOR VEHICLES SALT LAKE  
CITY UT; MCR RECYCLING, of Orem  
UT,

Defendants - Appellees.

No. 14-4007  
(D.C. No. 2:13-CV-01002-RJS-PMW)

ORDER

Before **HOLMES**, **BACHARACH**, and **PHILLIPS**, Circuit Judges.

We raise *sua sponte* the question of whether this court has jurisdiction to consider this appeal. The plaintiff below seeks to appeal a magistrate judge's order denying his requests for service of his complaint and appointment of counsel.

The matter was referred to the magistrate judge in accordance with 28 U.S.C. § 636(b)(1)(B). The order of a magistrate judge acting pursuant to this provision is not directly appealable to this court. *See* 28 U.S.C. § 636(b)(1); *Colo. Bldg. & Constr. Trades Council v. Anderson Constr.*, 879 F.2d 809, 811 (10th Cir. 1989) (holding that, absent both designation by the district court and consent of the parties under 28 U.S.C.

§ 636(c), a magistrate judge is not authorized to render a final appealable decision).

Accordingly, we lack jurisdiction to consider this appeal.

Appeal dismissed.

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro  
Counsel to the Clerk